

## LANGUAGE IN REPORTS

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### **REPLACE**

"The Board is *appalled* at.....;"

"The Board is *frustrated* with...."

"The Board *fails to understand* why....."

### **WITH**

"The Board is concerned about...."

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### **REPLACE**

"Reunification with the mother is *not appropriate or in Sarah's best interests.*"

### **WITH**

"Reunification with the mother is not appropriate because she has failed to substantially comply with the orders of the juvenile court in the following respects:...

or--she has failed to correct the circumstances which brought this matter into the juvenile court, namely...

or the child has been in an out-of-home placement for 15 of the most recent 22 months, and based upon, it is in her best interests not to be reunified with the mother."

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### **ADD**

With Finding 5C "The Board cannot agree or disagree with the permanency objective due to the lack of a current written plan." add the following:

"Neb. Rev. Stat. §43-285 requires the Nebraska Department of Health and Human Services to prepare and file with the court a proposed plan for the care, placement, services and permanency which are to be provided to the juvenile and his or her family. Because this has not been done, the Board cannot agree or disagree...or make a finding as to-----due to the lack of a written plan."

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**If the Finding is:**

*"It is unclear what reasonable efforts are being made in this case to promote reunification."*

**The following language could be added.**

"Neb. Rev. Stat. § 43-283.01 requires the State (including the Department) to make reasonable efforts to preserve and reunify the family, absent a judicial finding that aggravated circumstances exist which would eliminate the need to make such reasonable efforts in a particular case. Because no such judicial finding has been made to date in this case, it appears to the Board that reasonable efforts are, in fact, required to be made by the State. However, the Board has been unable to determine what, if any, reasonable efforts have been made by the State, including the Department, during this most recent review period...or- the Board has found no evidence that reasonable efforts have been made by the State during this last review period."

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**REPLACE**

*"The Board wonders if Mr. and Mrs. Jones truly do want their children to return to their home, despite what they say."*

**WITH**

"The fact that the parents have made minimal effort to comply with the plan of rehabilitation in this case, raises a serious question as to whether or not they are sincere in their request to have the children reunified with them."

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**REPLACE**

*"We would appreciate it if a homestudy were done at this time."*

**WITH**

"The Board recommends that a homestudy be done at this time to ascertain the appropriateness of XYZ as a possible placement for Jeremy."

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**REPLACE**

"It appears to the Board that *Mr. ABC is trying to control every aspect of this case* and many of the professionals have withdrawn due to the intensity of their conflicts with him."

**WITH**

"Although the orders of the juvenile court require Mr. ABC to cooperate with all of the case professionals, he has substantially failed to obey the court's order in this regard, as evidenced by the following:

- 1) Outburst and aggressive behavior of Mr. ABC resulted in termination of psychiatric evaluation (See letter from Dr. Ima Shrink, dated December 6, 2001);
- 2) Sixteen of thirty-seven possible visits with his children were canceled by visitation specialist due to threatening and verbally abusive behaviors exhibited by Mr. ABC (See visitation documents dated 8/9, 8/16, 9/12, 9/16, 10/14/ 10/21. etc. etc.)
- 3) Notice of change of case manager filed by NDHHS on 12-14-01, due to threat made by Mr. ABC to kill the previous case manager (See case plan and court report dated 12-16-02)

STATE JUST THE FACTS, NOT CONCLUSIONS.

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**REPLACE**

"*Once again, the Department appears to be ignoring the best interest of this child by placing him in an institution which is harmful to his well-being.*"

**WITH**

"On January 9, 1999, the juvenile court granted the motion to change Roger's placement and in so doing, made the following finding, 'Placement at the Harper House is inappropriate and harmful to the minor child, insofar as he has sustained bruises, scrapes, and emotional trauma from inappropriate application of physical restraint, which has been utilized with him on an almost daily basis. The Department is hereby directed to remove said child immediately and place him in a suitable placement which will promote his best interest.'

"On May 14, 1999, the Court again granted another motion to change Roger's placement and in so doing, made the following finding, 'Placement at the Charles Institute is inappropriate and harmful to the minor child, insofar as he has sustained bruises, and further emotional trauma from having been locked in his room for a period of eight days. The Department is hereby directed to remove said child immediately and place him in a suitable placement which will promote his best interest.'

"The Board has communicated its concerns directly to the Department that Roger's current placement at Last Hope is adverse to his best interest and well-being, based upon that institution's inappropriate use of chemical restraints. (See letters to case manager, dated ...). These communications have failed to result in either any response from the Department or any action being taken by the Department to remove Roger from Last Hope.

"The Board respectfully recommends that proceedings be initiated at this time to require the Department to show cause as to why it should not be held in contempt of court for violation of the orders of the juvenile court, as well as additional proceedings to remove Roger from Last Hope."

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## **REPLACE**

*"According to the maternal grandmother for the children, her own daughter has stolen from her on several occasions. She also stated that her daughter was in the habit of "taking off" and thought she did so most recently because the gas and water might have been shut off at the daughter's house."*

## **WITH**

Nothing.

The basis for the adjudication in this case was the mother's incarceration and her continued usage of illegal drugs. The inclusion of the information from the grandmother that her daughter has stolen from her is irrelevant. The author might have chosen to include this information in an effort to imply to that the mother is stealing items in order to sell them to obtain money to buy drugs; or at a minimum, to convince the reader that the mother is a bad person because she would stoop so low as to steal from her own mother. The additional information regarding the daughter's habit of "taking off" is also not helpful, and potentially problematic as being reliable information, depending upon the grandmother's opinions and attitudes toward her daughter. Finally, the information regarding the reason why the daughter most recently "took off" is speculative, at best, and would not likely be received into evidence if the grandmother testified in court.

## **When assessing whether or not to include certain information in reports, try to determine:**

- 1) Is there any link between the information being reported and the factual bases for the adjudication in the case, or the actual requirements contained in the court-ordered plan of rehabilitation? If not, ask yourself, what purpose does the inclusion of this information serve? Does it underscore the validity of the factual basis upon which the Board's recommendations rest, or is it an attempt to

characterize the parent(s) or any party in an adverse light? Remember, the judge can only read the actual recommendations of the FCRB reports, not the factual bases or history underlying your recommendations.

2) When considering information which has been provided to you, be aware of the possibility that the providing of negative information could be motivated by bias or hostility, especially when such information is volunteered by a grandparent, parent or step-parent, or other collateral relative, or even a foster parent. Find out whether the party volunteering the information is himself/herself trying to obtain custody, visitation or certain legal status or rights in relation to the child who is the subject of the juvenile court proceeding. Try to determine whether there has been any history of hostility or hard feelings between the reporting party and the party about whom the information is volunteered. Attempt to verify the information you receive, and if you cannot, it might not be appropriate to include it in the FCRB report. If you do receive information indicating that there is or has been hostility between the reporting party and the party about whom the negative allegation has been volunteered, it might be best not to include the negative allegation unless you are prepared to give equal time to addressing the other version given by the defending party. However, unless the conflicting information has a direct link to the one of the relevant issues of the case, it would seem best to disregard it. In other words, what purpose is served by including in the FCRB report the grandmother's allegation that her daughter is in the habit of "taking off," and the daughter's corresponding denial of that accusation along with a counter-allegation that her mother is a drunk who imagines things?

3) Differentiate between what is factual from what is speculative. Statements such as "I thought," "I believe "or "I heard..."Probably" she left because the utilities were shut off" do not establish any fact other than the speaker's own belief. Be leery of allegations such as:

"The neighbor told me she had heard they were selling their food stamps in order to get money to buy drugs."

"The grandmother reports that the girls cry each time they return home from a visit with their mother, and hopes that the court will act soon to stop the visits so that the girls will not become further traumatized."

"The foster parent reports that Jeremy continues to have difficulty with wetting the bed, nightmares, and focusing on sexual vocabulary, all indications that he has been the victim of sexual abuse."

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